



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, April 21, 2015
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Alicia DiBenedetto-Neubauer
Tom Fabiano
Melissa Luciani-Beckford
Dan Roszkowski
Scott Sanders
Craig Sockwell
Kimberly Wheeler-Johnsen

Absent:

Staff:

Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach – Engineering Operators Manager – Public Works
Tim Morris – Fire Department
Lafakeria Vaughn – Assistant City Attorney
Officer Nolan Walker – Police Department

Others:

Alderman Frank Beach
Kathy Berg - Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, April 27, 2015 at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 6:40 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the April 13th meeting. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 with Melissa Beckford abstaining.

Items 014-LTAB-017 through and including 014-LTAB-039 were requested to be Laid Over to the May 19th meeting. A **MOTION** made by Kim Johnsen to **LAY OVER** items 014-LTAB-017 through and including 014-LTAB-039 to the April 21, 2015 meeting. The **MOTION** was seconded by Alicia Neubauer and **CARRIED** by a vote of 7-0

014-LTAB-017

Applicant
Ward 10

5410 and 5456 East State Street

Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.

Sale of liquor by the drink in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District.

Laid Over June 2014 – February 2015

014-LTAB-035

Applicant
Ward 10

262 North Phelps Avenue

Mary Maggio d/b/a Sam's Slots Inc.

Sale of beer and wine by the drink in conjunction with a video gaming facility in a C-3, General Commercial Zoning District.

Laid Over September 2014 – February 2015

014-LTAB-036

Applicant
Ward 10

280 North Phelps Avenue

Brandan T. Blackler d/b/a Maxswells Eatery & Slots

Sale of beer and wine by the drink in conjunction with an eatery and a video Gaming facility in a C-3, General Commercial Zoning District

Laid Over September 2014 – February 2015

014-LTAB-037

Applicant
Ward 07

2515 Kilburn Avenue

Ampelio Delgado Martinez for El Carrizal Inc. d/b/a Fuzzy's

Sale of liquor by the drink in conjunction with a restaurant, bar, and video gaming facility with an outdoor beer garden in a C-2, Limited Commercial Zoning District

Laid Over September 2014 – February 2015

014-LTAB-038

Applicant
Ward 10

3806 East State Street, 3800 East State Street

Dan A. Olson for Olson Enterprises LLC d/b/a Olson Gaming

Sale of beer and wine by the drink in conjunction with a video gaming facility and bar in a C-2, Limited Commercial Zoning District

Laid Over September 2014 – February 2015

014-LTAB-039

Applicant
Ward 01

7551 Walton St, 172 S. Bell School Rd, 7521, 7531 & 7541 Walton St.

John Hassett for Premier Entertainment of Illinois LLC d/b/a Pinky's

Sale of liquor by the drink in conjunction with a video gaming facility and bar in a C-3, General Commercial Zoning District

Laid Over September 2014 - February 2015

End of Laid Over Items**015-LTAB-011**

Applicant
Ward 01

7542 Colosseum Drive

Suril Shal for R.I. Heritage Inn of Rockford Opco, LLC d/b/a Rockford Residence Inn

Sale of beer and wine by the drink in conjunction with a hotel in a C-3, General Commercial Zoning District

Laid Over from March 2015

The subject property is located 430 feet east of the North Bell School Road and Colosseum Drive intersection. Terry Byrne, representing the owner, reviewed the request. He stated this business is under new ownership and are required to apply for a beer and wine license in their name.

Staff Recommendation is for Approval with (11) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of beer and wine by the drink in conjunction with a hotel in the name of Suril Shal for R.I. Heritage Inn of Rockford Opco LLC d/b/a Rockford Residence Inn in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to the interior site plan that was submitted as Exhibit F.
5. The hours of operation and days for the sale of beer and wine by the drink will be limited to 5:30 PM to 7:00 PM Monday through Thursday.
6. Window display signage is limited to 20% of window area.
7. The hotel shall not have a cover charge.
8. The hotel shall not have a dance floor.
9. The hotel shall not have any DJs.
10. The hotel shall not have any live entertainment.
11. The hotel shall not operate as a nightclub.

015-LTAB-020

Applicant
Ward 13

320 North Court Street

Narayanbhai Patel for OM Shree Ganesh, Inc. d/b/a 320 Grocery

Sale of tobacco products in conjunction with a grocery store in a C-3, General Commercial Zoning District

The subject property is located approximately 96' north of West Jefferson Street, west of North Court Street, and is currently a grocery store. Jigna Patel, daughter of the Applicant and Narayanbhai Patel, Applicant, were present. Ms. Patel reviewed the request for sale of tobacco products. She clarified that they have parking on the front and side of the building.

Attorney Angela Hammer asked the Applicant if they also had an agreement with the church regarding no visible advertisement of tobacco products. Ms. Patel responded they did. Attorney Hammer requested that they supply a copy of this Agreement to Staff.

Staff Recommendation is for Approval with (8) conditions. No Objectors were present. One Supporter was present.

Carolyn Greenlaw stated she was representing the Second Congregational / First Presbyterian Church. Ms. Greenlaw did contact the Zoning office with the correct address of 318 North Church Street after the meeting. This is the church that has an agreement with the previous Owner stating no visible signage advertising tobacco shall be in place. Ms. Greenlaw stated the church is in support of this application, stating the church had a good relationship with the previous owners and anticipate the same with Mr. Patel.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a grocery store in the name of Narayanbhai Patel for OM Shree Ganesh, Inc. d/b/a 320 Grocery in a C-3, General Commercial Zoning District at 320 North Court Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. Hours are limited to Monday-Saturday 8:00 AM to 8:00 PM; Sunday 9:00 AM to 7:00 PM.
3. Inside signage cannot exceed more than 20% of the window surface and any temporary signs in violation must be removed.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. The dumpster enclosure area must be free of debris and food crates.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. Prior to issuance of the tobacco license, the applicant must provide an updated copy of an agreement with the same stipulations as the previous agreement between the applicant and the Second Congregational / First Presbyterian Church.

015-LTAB-021

Applicant
Ward 12

2209 North Main Street

Harwinder Kaur for Double A Market, Inc. d/b/a Double A Market

Sale of packaged liquor and sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of the North Main Street / Van Wie Avenue intersection and currently is a vacant tenant space. Attorney McGirk, representative, and Ms. Harwinder Kaur, Applicant, were present. Attorney McGirk reviewed the request for the sale of liquor and tobacco. The building is currently empty. The Applicant anticipates 40% of sales will be alcohol, 10% will be tobacco, and 50% convenience store items. Ms. Kaur presented a list of items that will be sold in the grocery area. The Stop and Go market across the street has closed due to IDOT widening North Main which resulted in their losing parking spaces. Ms. Kaur feels the neighborhood needs a convenience store in this area. The Applicant wants to provide a service to the neighborhood and will need to sell tobacco and alcohol. There is a bar across the street that has an outdoor patio. There will be a five year lease with an option to renew. Attorney McGirk stated if they cannot sell tobacco and alcohol, they will not lease the property. They are willing to install security cameras. The Applicant has another business as well but Attorney McGirk stated Ms. Kaur does expect to be involved in the day to day operation of this location. Attorney McGirk further stated Ms. Kaur is committed to patrolling the parking lot and grounds to maintain cleanliness of the property. On the actual interior drawing, there are three 12.5 feet long and 4 feet high shelving units for groceries. Any hard liquor will be sold behind the counter.

Staff Recommendation is for Denial of both requests. No Objectors or Interested Parties were present; however, one letter of Objection was received.

Mick Empereur, 2212 Wallace Street, submitted a letter of objection. Mr. Empereur's property is to the east of the subject property on the southwest corner of Van Wie and Wallace. The rear of his property is 3 lots north of the subject property. He stated since the closing of the Stop and Go store he has seen a reduction in foot traffic, and trash on his property. He is concerned this business will attract panhandlers and vagrants as well as become a target for crime and illegal activities in the parking lot.

In response, Attorney McGirk stated there is an alley separating the subject property from that of Mr. Empereur. She further stated Ms. Kaur was not aware of the previous owner's problems but she will take efforts to maintain the cleanliness of the back of the building as well.

There is no fencing between the parking lot and the alley. Scott Capovilla stated the way this building is set up is very unusual. The main entrance faces north. There are two buildings on the lot, one of which is a laundry mat. Discussion was held on installing fencing between the parking lot and the alley. Mr. Sanders stated in the past this location was a congregating area in the parking lot and he believes the Objector is correct in that there have been less problems since the Stop and Go closed.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of packaged liquor and to **APPROVE** the sale of tobacco products in conjunction with a convenience store in the name of Harwinder Kaur for Double A Market, Inc. d/b/a Double A Market in a C-2, Limited Commercial Zoning District at 2209 North Main Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-1 with Scott Sanders voting Nay.

Approval is subject to the following conditions:

1. Meet all Applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 20% of window area.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. The sale of packaged beer and wine and tobacco products shall be limited to the submitted plans.
6. Hours of operation are from 6:00 AM to Midnight Monday through Sunday.
7. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.

8. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
9. The dumpster area must be free of food crates and debris.

With no further business to come before the Board, the meeting was adjourned at 7:19 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board